

**SPECIAL
CASCADE COUNTY COMMISSION MEETING
Public Hearing
May 26, 2016
Montana ExpoPark
Paddock Club Building
400 3rd Street NW
9:30 a.m.**

Notice: These minutes are paraphrased and reflect the proceedings of the Board of Commissioners. MCA 7-4-2611 (2) (b). These minutes were officially approved at the July 12, 2016 commission meeting.

PRESENT:

Commission: Chairman Joe Briggs, Commissioner Jane Weber, and Commissioner Jim Larson. **Public Works Department:** Brian Clifton and Jim Ekberg. **Big Sky Civil & Environmental Inc.:** Mark Leo and Joe Murphy. **Other Staff Members:** Carey Ann Haight, Bonnie Fogerty, and Marie Johnson.

Public present: Rob Balderston, Sharon Balderston, Bob Sechena, Elva Pilling, Starnell Darko, William Zucconi, Wade DeBoo, T Beck, Rex Tanberg, Chuck Kuether, Sue Effertz, Al Horn, Elizabeth Larcon, Georgene Robison, Leonard Shumski, Emilie Trunk, Oscar Trunk, John Sandy, Ray Huston, Sandra Huston, Kurt Baltrasch, Bill Knick, Dexter Busby, Steven Mueller, Jim Spaans, Renee Spaans, Ron Cockrell, Cindy Cockrell, Anton Giger, Ellen Quinn, Bruce Lahti, Holly Denning, Brian Lahti, Dee Lahti, Melissa Heoenisch and Tom Robitaille.

Call to order

Chairman Briggs welcomed everyone for attending this meeting and called the public hearing to order at 9:30 a.m.

Presentation

Public Works Director Brian Clifton read the synopsis for Resolution 16-48, a Resolution of Intent to create a Rural Improvement District for the Fox Farm Road (see exhibit "A") for agenda report. He also pointed out all the surveys, maps and stats that he had posted in the meeting room for their reference.

Introductions

Each member seated at the table introduced themselves to the Public.

Right to Protest

Commissioner Weber asked for clarification on which office (the Clerk & Recorders or the Commissioner's Office) should the protests be submitted too. Carey Ann Haight interpreted that the protests need turned into the Clerk and Recorders Office.

Public Comment

Chairman Briggs presented a hand written question from Georgene Robinson (see exhibit "B") Ms. Robinson asked if Highland Drive would be included in this RSID, and questioned why not all the roads are being fixed.

Brian Clifton clarified that Highland Drive would not be included in this RSID and is one of the roads on their list to repair.

Chairman Briggs stated that Highwood Road would not be included in an RSID but would be on the normal rotation for maintenance for the road department.

Star Darko 112 Highland Drive announced that Highland Road is breaking up and requested assurance that it would still be maintained during the repair of Fox Farm Road. She also thanked the Road Department for the work on Hawk Drive.

Brian Clifton made her aware of the list of roads that they have to maintain in the County, according to priority. He also encouraged her to call his office if she had specific concerns.

Public Hearing

Chairman Briggs reminded everyone that this is a public hearing and explained the public hearing process.

Questions

Chairman Briggs called for questions.

Elva Pilling 173 Dune Drive directed her question towards the engineers for Big Sky Civil & Environmental Inc. asking if they were the ones drilling core samples and how deep did you go? Joe Murphy and Mark Leo responded by affirming they had taken the core samples and that they dug around 8 to 15 feet deep.

Ron Cockrell 79 Hawk Drive asked about the previous RSID on Fox Farm Road and asked if they plan to do another RSID on these road 20 years from now.

Bob Balderston 1 Bob Marshall Place also asked if the original road was placed in by a RSID.

Chairman Briggs said it is not their intention to do another RSID 20 years from now but cannot guarantee what might be done in the future. He also stated that when the road was built 25 years ago it was not an RSID but a RSID was added to it later and was just recently paid off.

Bruce Lahti 41 Dune Ridge Drive questioned if they plan to do just overlay and chip seal on Dune road without working on the foundation of the road, and also asked what the life expectancy of the road might be.

Brian Clifton responded that they have targeted areas that they will chip seal and paved should last around 20 years. He noted that the construction methods are better than they used to be. He also made the public aware that he has been working closely with MPO (Montana Planning Organization and MDT (Montana Department of Transportation) to work together to mobilize all their units to save money and improve these roads.

Ellen Quinn 255 Dune Drive questioned if they could only do the southern part of Fox Farm Road? She also questioned the difference in the amount of taxes charged for this RSID and how there has been a discrepancy.

Brian Clifton responded by saying that the surveys returned did not show a desire to just do that part of the road and it would be too hard to widen the road to remove the hills.

Brian Clifton continued by giving the background of the survey results and how they came to the estimated figure. He explained that not all the costs are static and that other factors to consider are moving utilities, purchasing easements, and construction issues.

Steven Mueller 7 Sweetgrass Place questioned Brian Clifton's numbers from his survey results and stated his numbers were misleading and he wanted answers.

Brian Clifton explained the different percentages that were voted on. And responded by announcing he has no intent of tweaking the numbers all results were presented correctly or misrepresent this project. He reminded the public that this project was due to the requests from the public to improve and make the road safe. He also reminded them that they were notified several times and had multiple mailing informing the public.

Commissioner Weber reminded them if they checked an amount that they were willing to pay. Their vote counted for that amount and all the lower amounts below that figure.

Charles Kuether 6 Bear Paw Place questioned the letter he received approving \$400 and that jumped to \$534.00 he wondered why there was a 33% increase.

Commissioner Briggs announced that they had to hire engineers to get close to an estimated figure.

Charles Kuether 6 Bear Paw Place stated that he believes they should have been given options with scaled down improvements to choose from.

Joe Murphy of Big Sky Civil & Engineering stated that he appreciated Mr. Kuether's comments. He reminded him that it is not as simple as giving project options, there are engineering standards to adhere to, and they do not work backwards by looking at the budget and then dump in the standards.

Brian Clifton reminded them that the surveys that were sent to them, were to get information from them about what they would like to see done to the road and not to dial in an amount. He also stated that there is no fluff added to this project and the projected estimated figure is \$534.00.

Chairman Briggs voiced that the exact amount will not be set until the construction is finished. And with the changes in interest and if subdivided your fees could go down, this fee will be recalculated each year.

Al Horn 5 Bear Paw Place had concerns about the change of Commissioners and how the Big Bend RSID did not go down. He questioned how he is going to know what the new commission will do.

Chairman Briggs assured him that this will be done by Resolution in which the new commission will have to refer to.

Bob Sechena 94 Dune Ridge Lane shared his concerns about the gophers digging up the new road and requested that they widen Fox Farm Road. Brian Clifton stated that it is dangerous in MDT standards and the hills would need to be removed. He also reminded the public that on the newer subdivisions there is a statement that does not allow owners to protest a RSID. As far as gophers he will check into that concern, he noted that they spend almost 5 grand a year to keep them out of Expo Park which is a controlled area.

Jim Spaans 154 Hawk Drive shared his concerns about approaches and legal access roads, and an increase in traffic at the FWP fishing sites. He questioned why other people with the access were not being included in this RSID.

Brian Clifton stated that everyone does benefit but everyone can't be charged. He noted that the \$534. 00 figure was the best estimated amount and the chance of it going higher is less than it going lower. When the project is completed then the Commission will decide the final numbers.

Commissioner Weber assured the public that if the numbers were significantly different they will hold a second public hearing.

Chairman Briggs reminded the public that in the past some RSID bids came in high and the Commission have made the judgement to stop the RSID even though there was not a lot of public protest.

Wade DeBoo 119 Fawn Drive questioned the process of the protest period and when the Commission would take final action on this RSID.

Chairman Briggs stated that the protest would need more than 50% percent to stop the RSID but that there is a gray zone where the Commission ultimately make the final call.

There was further discussion on the repairs planned for Dick Road and how the other road repairs done by the County tie into this project.

Darrel Quinn 255 Dune Drive questioned if everyone was getting equal assessments.

Brian Clifton affirmed that everyone was getting assessed per tracts of land.

Rex Dahlberg questioned when construction would begin on Flood Road.

Brian Clifton he plans to send it to MDT for approval then they can go out for bids this winter and possible next summer 2017.

Bob Balderston 1 Bob Marshall Place questioned why MDT was involved and if that would cost them more.

Brian Clifton stated that MDT is a part of the MPO Metropolitan Planning Organization. This allows them to receive assistance to help with this project with mobilization and consolation.

Open of the Public Hearing

Chairman Briggs convened the regular meeting to open the Public Hearing at 10:52 a.m.

Reading of the Public Notice

Chairman Briggs waived the reading of the Public Notice with no objections and placed it in the record (see exhibit "C").

Call for Proponents

Chairman Briggs called for proponents

Al Horn 5 Bear Paw Place spoke in favor of improving Fox Farm Road he said it will save lives by making it safer. He supports the project and hopes it will cost less than projected.

Bruce Lahti 41 Dune Drive stated that the road is never going to get better and it is not going to cost less to get better. He mentioned with new subdivisions the fees might go down but there will be an increase in the traffic. He stated he was in support of this RSID.

Rex Tanberg 73 Hawk Drive announced that he was a part of this project 30 years ago and shared his regret for not choosing the top of the line design instead of the mid-level one. He said if they would of chose the better design then the fee for the RSID would not had to increase like it has now. He is in support of safer school bus travel, better wear on vehicles, savings on tires, He announced his support of the 534.00 figure which only costs \$1.50 a day. In closing, he reminded the Public of the young girl that was killed and the multiple accidents that occur on this unsafe road.

Dexter Busby 260 Dune Drive voiced that he was in favor of the safety but knows that costs tend to seep into projects like this. He also mentioned that other people were interested in attending this meeting and suggested a possible evening meeting for them.

Call for Proponents

Chairman Briggs called for proponents in which no more public members came forward.

Call for Opponents

Chairman Briggs called for opponents.

TJ Beck 53 Fawn Drive commented that he was opposed to the numbers stating that 43 left it blank on the survey and which means they don't want to pay. He stated that he is a young guy that lives within his means, and doesn't understand why the County does not pay. He also said he could use a different road, and that his name was not on the list of homeowners to be included in the RSID, and questioned the validity of the list. He continued by saying he felt he was being taken advantage of since he has to use the road. He questioned if any of the Commissioners live in this area, and stated that it was not affecting them. He also did not understand how parcels of different size could be charged that same fee. In closing, he stated he was thoroughly opposed.

Darrell Quinn 255 Dune Drive objected to the cost of this project and couldn't believe the County could not afford to fix their own roads. He suggested lowering the speed limit and keeping pedestrians off the road. He announced that he is opposed to this project.

Brian Lahti 145 Dune Drive stated that he is retired and on a fixed income, and that he doesn't object to fixing the road but he is under budget restraints and that this will increase his house payment by \$45.00 a month. He wondered why the County could not just fix their road.

Jim Spaans 154 Hawk Drive said he lives within his budget and questioned why they don't lower the speed limit and wait until they have the money to complete the project.

Wade DeBoo 119 Fawn Drive stated that he does support the repair of the road but not sure it needs to be as costly as shown he felt the cost should be within their budget. He also mentioned that there are others that were unable to attend.

Call for Opponents

Chairman Briggs called for opponents three times in which no other public members came forward.

Call for informational witnesses

Chairman Briggs called for informational witnesses

Sharon Balderston 1 Bob Marshall Place stated that she had been paying on a RSID and after investigating they added more money onto it without notifying her. She found out that they were not required by law to notify her and asked if she was going to get an amortization schedule on the interest that's paid on this RSID. She believes that the County is required to provide her with the amount of interest for tax purposes.

Tom Robitaille 5181 Fox Farm Road mentioned that he does not live in the area but announced that he would like to see more patrol on this road as no one obeys the speed limit.

Call for informational witnesses

Chairman Briggs called for informational witnesses in which no other public members came forward.

Public Hearing

Chairman Briggs closed the public hearing at 11:15 a.m. and reconvened the regular meeting.

Call for a motion

Chairman Briggs called for a motion

Commissioner Weber made a **MOTION** to approve Resolution 16-48, the Resolution of Intention to create a Rural Special Improvement District for Fox Farm Road that will allow for the reconstruction of Fox Farm Road from the southerly limit of MDT Federal Aid Project STPU 5220 to the intersection with Dune Drive (approximately 1.2 miles).

Carey Ann Haight notified the Public that there will be a 30-day protest period for them to protest in writing and deliver them to the Clerk and Records Office.

Chairman Briggs reminded the Public that more than 50% of the protests need to be received and that they will hold another public meeting after the protest period and if they feel it necessary the RSID can be pulled.

Commissioner Larson seconded the **MOTION**.

Chairman Briggs called for a vote on the motion. **Motion carries 3-0**

Chairman Briggs called for public comment

Charles Kuether 6 Bear Paw Road commented that if the Road Department had proper funding these RSIDs would not have to be done.

Chairman Briggs responded by explaining how the General Fund is portioned out by State Law.

Commissioner Weber reminded the Public how the County does its best with the funds it receives from grants and tax payer funds.

Albert Iben stated he has never paid for road development in all the states he's lived in or seen Senior Citizens taxed. He felt that the monies are not being appropriated correctly.

Chairman Briggs invited him to go over the budget so he can show him exactly how the funds are being disbursed.

Elva Pilling questioned if Montana Avenue in Black Eagle will be worked on.

Brian Clifton invited her to look at his list of roads and the prioritization of them.

Ellen Quinn also mentioned that when the roads are fixed the property values go up as well.

Chairman Briggs agreed and thanked everyone for attending the meeting.

Public Participation in decisions of the Board and allowance of public comment on matters the Commission has jurisdiction, on items not covered by Today's agenda. (MCA 2-3-103) No further comments were made.

Adjournment: Chairman Briggs adjourned this Commission meeting at 11:34 a.m.